

Appl. No.	:	09/819,194
Applicant	:	J.H. Labuschagne
Filed	:	March 28, 2001
Title	:	PORTABLE FACILITY AND PROCESS FOR RECONDITIONING ANTI FRICTION BEARINGS
TC/A.U.	:	3637
Examiner	:	Phi Dieu Tran A
Docket No.	:	TIMK 7938US



Mail Stop AMENDMENT – NO FEE
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

DECLARATION OF RUDOLF KARICH UNDER 37 CFR 1.132

Rudolph Karich declares as follows:

1. I reside in Mascot, Tennessee, where I am employed by The Timken Company as Vice President of Sales and Marketing for Industrial Rail and Rail Bearing Service, as subsidiary of The Timken Company. Rail Bearing Service reconditions or remanufactures tapered roller bearings used on the journals of railcar and locomotive axles. Basically, Rail Bearing Service disassembles used roller bearings, cleans them, inspects them, refinishes critical surfaces if necessary, replaces damaged components, reassembles the bearings, lubricates them and sells them.

2. Since 1967 my career has in one way or another involved antifriction bearings, particularly tapered roller bearings for railroad cars and locomotives. I began in 1967 as an engineer for the Railroad Division of The Timken Company, at that time a manufacturer of a wide variety of tapered roller bearings. In 1977 I became a regional

Manager for Rail Bearing Services, Inc., a company that reconditioned and remanufactured railroad bearings. At the time, the company was an authorized re-manufacturer of Timken railroad bearings. In 1995 The Timken Company acquired Rail Bearing Service, Inc, and I again entered the employ of Timken. My current responsibilities as Vice President of Timken Company Rail group include sales and marketing for both new bearing assemblies and reconditioning services.

3. I hold a Bachelors degree in Mechanical Engineering from Ohio University, having been awarded that degree in 1967.

4. I have reviewed and studied the following papers which pertain to U.S. patent application 09/819,194:

- a. the application itself as filed on March 28, 2001
- b. Amendment F filed January 1, 2005
- c. communication from U.S. Patent Office dated April 21, 2005
- d. U.S. patent 3,308,845 (Bellas)

5. I understand that the claims set forth in Amendment F describe a portable facility for reconditioning antifriction bearings, and that the portable facility so described must be different from a previous device, irrespective of whether or not it is used to recondition bearings, and secondly that it cannot be obvious in view of prior devices and procedures. Indeed, I understand that obviousness or the lack of it must be considered from the perspective of one having ordinary skill in the art to which the subject matter of an invention pertains – in this application from the standpoint of having ordinary skill

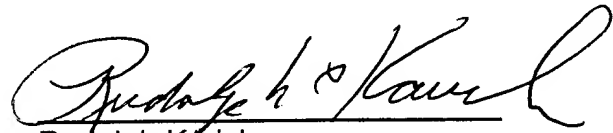
In the manufacture and reconditioning of antifriction bearings. Such a person, in my opinion, would have a technical degree from a university, particularly a degree in one of the mechanical disciplines, would be familiar with how antifriction bearings operate, and would have several years experience in reconditioning antifriction bearings. I believe that I possess at least ordinary skill in the art of reconditioning antifriction bearings, if not extraordinary skill.

6. The Bellas patent pertains to a mobile facility for repairing automobiles – in effect a “Mobile Services Station Unit” as the title of the patent states. The unit provides services corresponding to those offered by the ordinary service station, such as oil changes, lubrication and minor repairs. It does not totally disassemble automobiles and rebuild them.

7. In my opinion one having ordinary skill in the art of reconditioning antifriction bearings would not turn to a mobile service station for inspiration to improve antifriction bearings or the reconditioning of them. Automotive service stations and the manufacture and recondition of bearings are unrelated fields of endeavor. Furthermore the service station of the Bellas patent only performs minor repairs, whereas the portable facility of patent application 09/819,194 is used to recondition bearings, which involves total disassembly of the bearings and remanufacture them.

8. In my opinion, the portable facility described in the claims set forth in Amendment F would not be obvious to one of ordinary skill in the art of manufacturing and reconditioning antifriction bearings.

9. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of application of 09/819,194 or any patent issuing thereon.



Rudolph Karich

Mascot, Tennessee

July 1, 2005